

Harvey NPDES Wastewater
Handy



CITY OF LOMPOC

December 4, 2009

California Regional Water Quality Control Board
Central Coast Region
Enforcement Unit
Attention: Harvey Packard
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

**Subject: Response to Expedited Payment Letter Reissue No. R3-2009-0067 of
November 10, 2009 – Offer to Participate in Expedited Payment Program
Relating to Violations of NPDES Permit for Lompoc Regional Wastewater
Reclamation Plant**

Dear Mr. Packard:

The City of Lompoc (City) received from the Central Coast Regional Water Quality Control Board (Board) a reissued Offer Letter dated November 10, 2009 (Letter) for alleged violations of the City's NPDES permit for discharges from the City of Lompoc Regional Wastewater Reclamation Plant (LRWRP). The City has reviewed the information contained therein and accepts the Board's offer to participate in the Expedited Payment Program.

Upon receipt of the executed Acceptance of Conditional Resolution and Waiver of Right to Hearing, the City is prepared to submit payment to the SWRCB Cleanup and Abatement Account to fully resolve the violations. Payment by the City shall constitute settlement of enforcement action in Letter and release the City of any and all additional liability directly associated with the violations addressed in the stipulated order.

If you have questions or comments, please contact me at (805) 875-8405, or email at shalpin@ci.lompoc.ca.us.

Respectfully,

Susan L. Halpin
Wastewater Division Superintendent

cc: Michael J. Thomas, Assistant Executive Officer
Ronald V. Stassi, City of Lompoc Utilities Director

Expedited Payment Letter R3-2009-0067
NPDES Permit No. R3-2006-0037

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER**

LOMPOC REGIONAL WWTP
EPL R3-2009-0067
NPDES Permit No. R3-2006-0037

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Central Coast Regional Water Quality Control Board (Central Coast Water Board), Lompoc Regional WWTP (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Central Coast Water Board to dispute the allegations of violations described in the Notice of Violation (NOV) which is attached hereto as Exhibit "A" and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Central Coast Water Board to assert jurisdiction over the alleged violations through its Enforcement Staff. The Permittee agrees to pay the penalties authorized by California Water Code section 13385, as indicated in the NOV, which shall be deemed payment in full of any civil liability pursuant to the Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that once the Acceptance and Waiver is executed by the Executive Officer of the Central Coast Water Board, the full payment required by the deadline set forth on the invoice that will accompany the Permittee's receipt of the notice of the Executive Officer's execution is a condition of this Acceptance and Waiver. The Permittee shall pay the Expedited Payment Amount by check payable to the SWRCB Cleanup and Abatement Account, with the NPDES number noted on the check. The payment shall be submitted to the Central Coast Water Board as specified on the invoice.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the Notice of Violation.

Upon execution by the Permittee, the Acceptance and Waiver shall be returned to:

Harvey Packard
Enforcement Coordinator
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Expedited Payment Letter R3-2009-0067
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The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Central Coast Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of this enforcement action. Accordingly, this Acceptance and Waiver, prior to execution by the Executive Officer of the Central Coast Water Board, will be published as required by law for public comment.

If no comments are received within the notice period that cause the Executive Officer to reconsider the Expedited Payment Amount, the Executive Officer will execute the Acceptance and Waiver.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the Central Coast Water Board Enforcement Staff's offer to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Central Coast Water Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

Lompoc Regional WWTP
(Name of Permittee)

By: Susan L. Halpin
(Signed Name)

12-4-09
(Date)

Susan L. Halpin
(Printed or typed name)

Wastewater Superintendent
(Title)

Expedited Payment Letter R3-2009-0067
NPDES Permit No. R3-2006-0037

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: _____

By: _____
Roger W. Briggs
Executive Officer
Central Coast Regional Water Quality Control Board